

SCHERING-PLOUGH CORPORATION  
LAW DEPARTMENT  
2000 GALLOPING HILL ROAD  
K-6-1, MAIL STOP 1990  
KENILWORTH, NEW JERSEY 07033  
(908) 298-4000

RECEIVED  
GENERAL FAX CENTER  
JUL 18 2006

## FACSIMILE TRANSMITTAL SHEET

TO:

FAX NUMBER:

Mail Stop: Amendment  
USPTO

9-1-571- 273-8300

FROM:

PHONE NUMBER:

Thomas Triolo, Ph.D.

(908) 298-2347

TOTAL NO. OF PAGES INCLUDING COVER

DATE

18

July 18, 2006


**CONFIDENTIALITY NOTE:** This sheet and/or the document(s) accompanying it contain information belonging to Schering-Plough Corporation and/or its affiliates which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you have received this fax in error, please immediately notify us by telephone. If there is a problem with this transmission please call Angela Kiausas at (908) 298-2907.

### PLEASE HAND DELIVER

Examiner: Walter Schlapkohl  
In re Application of: Thoms J. Hosted, Jr. *et al.*  
Group Art Unit: 1636  
Filed: 05/15/2001  
Attorney Docket No.: IN01164K  
Serial No.: 09/855,340

#### Transmitted herewith are:

- Transmittal form (sb21) - 1 page
- Petition for Extension of Time (sb22) - One Month - 1 page IN DUPLICATE
- Amendment and Response to Non-Final Office Action - 7 pages
- Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan Under 37 CFR 1.131 (attached to Amendment) - 2 pages
- Exhibit A - 1 page and 1-page cover
- Exhibit B - 1 page and 1-page cover
- Cert. of Fax Transmission (sb97) - 1 page
- Fax Cover Sheet - 1 page

  
Thomas Triolo, Ph.D.  
Registration No. 48,001

66682\_1.DOC

PHONE: (908) 298-2347

FAX: (908) 298-5388

RECEIVED  
CENTRAL FAX CENTER

JUL 18 2006

Docket Number: IN01164K  
Application No: 09/855340  
Filing Date: 05/15/2001  
First Inventor: HOSTED, Thomas J

PTO/SB/97 (09-04)  
Approved for use through 07/31/2006. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office 9-1-571-273-8300; Mail Stop: AMENDMENT

on July 18, 2006

Date

  
Signature

THOMAS A. TRIOLO

Typed or printed name of person signing Certificate

48001

Registration Number, if applicable

908-298-2347

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal form (sb21) - 1 page ✓

Petition for Extension of Time (sb22) - One Month - 1 page IN DUPLICATE ✓

Amendment and Response to Non-Final Office Action - 7 pages ✓

Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan Under 37 CFR 1.131 (attached to Amendment) - 2 pages; Exhibit A - 2 pages; Exhibit B - 2 pages

Cert. of Fax Transmission (sb97) - 1 page; Fax Cover Sheet - 1 page

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

JUL 18 2006

Via facsimile: 9-1-571-273-8300; Mail Stop: AMENDMENT

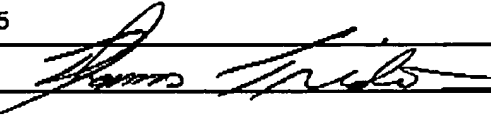
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/855340	
	Filing Date	05/15/2001	
	First Named Inventor	HOSTED, Thomas J	
	Art Unit	1636	
	Examiner Name	Schlapkohl, Walter	
Total Number of Pages in This Submission	18	Attorney Docket Number	IN01164K

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Cert. of Fax Transmission (sb97) - 1 page; Fax Cover Sheet - 1 page
Remarks Additional enclosures (attached to Amendment): - Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan Under 37 CFR 1.131 - 2 pages; - Exhibit A - 2 pages; - Exhibit B - 2 pages		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Customer No: 24265	
Signature		
Printed name	THOMAS A. TRIOLO	
Date	July 18, 2006	Reg. No. 48001

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.